

1 KEVIN V. RYAN (CSBN 118321)
2 United States Attorney
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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13 UNITED STATES OF AMERICA,)

No.

14 Plaintiff,)

VIOLATIONS: 18 U.S.C. § 1001(a)(2) –
False Statements to a Government Agency

15 v.)

16 TREVOR GRAHAM,)

SAN FRANCISCO VENUE

17 Defendant.)
18)
19)

20 INDICTMENT

21 The Grand Jury charges:

22 Background

23 At all times relevant to this Indictment, unless otherwise indicated:

- 24 1. The defendant, TREVOR GRAHAM (“Graham”), was a coach for track and field
25 athletes, including professional and Olympic athletes.
- 26 2. Balco Laboratories, Inc. (“Balco”), was a California corporation performing
27 blood-testing, among other functions. Balco was located in Burlingame, California.
- 28 3. A federal criminal investigation (“the criminal investigation”) commenced in the

INDICTMENT

1 Northern District of California concerning the distribution of anabolic steroids and other illegal
2 performance-enhancing drugs and the related money laundering of proceeds from said
3 distributions centered around Balco. The criminal investigation also included investigating
4 potential instances of perjury and false statements to government agencies made by various
5 witnesses who were interviewed by federal agents and who testified before the grand jury. The
6 Internal Revenue Service - Criminal Investigation Division ("IRS-CID"), San Jose Office, an
7 agency within the jurisdiction of the executive branch of the government of the United States,
8 was the lead investigative agency throughout the course of the criminal investigation.

9 4. As part of the criminal investigation, on or about September 3, 2003, a federal
10 search warrant, issued out of the Northern District of California, was executed at the Balco
11 premises in Burlingame, California. Among other things, investigators obtained evidence
12 concerning Graham and his relationship with Balco and certain professional athletes.

13 5. As part of the criminal investigation, several athletes connected with Graham
14 were interviewed in the Northern District of California and elsewhere. Some of these individuals
15 testified before the grand jury sitting in the Northern District of California.

16 6. As part of the criminal investigation, on June 8, 2004, two IRS-CID special agents
17 interviewed Graham (the "interview") in person at his attorney's office in Raleigh, North
18 Carolina. Prior to the interview, Graham's attorney requested and received a letter immunity
19 agreement between Graham and the United States Attorney's Office for the Northern District of
20 California covering Graham's interview. On or about June 7, 2004, an IRS-CID special agent
21 faxed a draft of the letter immunity agreement from San Jose, California, to Graham's attorney's
22 office in Raleigh, North Carolina. The letter immunity agreement granted use immunity from the
23 statements made during the interview, but it specifically did not provide immunity from
24 prosecution for making false statements during the interview.

25 7. As part of the criminal investigation, defendant Graham was interviewed
26 regarding the following matters, among others, which were material to the criminal investigation:

27 (a) The extent and scope of Graham's involvement with Balco;

28 (b) Graham's knowledge of specific athletes' involvement with Balco;

1 (c) Graham's knowledge of whether specific athletes linked to Balco used illegal
2 performance-enhancing drugs; and

3 (d) Graham's relationship with Source A, an individual known to the grand jury, who
4 had provided Graham's athletes, some of whom were associated with Balco, with
5 illegal performance-enhancing drugs.

6 8. These matters, among others, were material to the criminal investigation as they
7 pertained to the identification of individuals involved in the distribution, possession, and use of
8 illegal performance-enhancing drugs in and through Balco and the Northern District of
9 California. In a related manner, during the criminal investigation, Graham was a relevant witness
10 in determining the ultimate source for illegal performance-enhancing drugs taken by many
11 athletes who were connected with Balco.

12 9. As part of the criminal investigation, the government obtained the following
13 information regarding Source A:

14 (a) Source A met Graham in person for the first time in approximately 1996 or 1997;

15 (b) Following that initial meeting, Graham referred numerous athletes coached by
16 Graham to Source A to obtain illegal performance-enhancing drugs from Source
17 A;

18 (c) Graham and Source A thereafter maintained a relationship for years, staying in
19 contact and speaking numerous times by telephone; and

20 (d) Source A provided illegal performance-enhancing drugs to Graham and athletes
21 coached by Graham between Source A's initial meeting with Graham and the
22 interview. Some of the athletes coached by Graham to whom Source A provided
23 illegal performance-enhancing drugs were associated with Balco.

24 COUNT ONE: (18 U.S.C. § 1001(a)(2) – False Statement to a Government Agency)

25 10. The factual allegations contained in paragraphs 1 through 9 above are
26 incorporated herein as if set forth in full.

27 11. On or about June 8, 2004, in the Northern District of California, the Eastern
28 District of North Carolina, and elsewhere, in a matter concerning the criminal investigation in the

1 Northern District of California, the defendant,

2 TREVOR GRAHAM,

3 in a matter within the jurisdiction of the executive branch of the government of the United States,
4 did knowingly and willfully make a false, fraudulent, and fictitious material statement and
5 representation to IRS-CID special agents while in the course of their duties for IRS-CID by
6 stating in sum and substance during the interview that he never set up any of his athletes with
7 drugs obtained from Source A, when in fact, as he knew, he obtained illegal performance-
8 enhancing drugs from Source A and thereafter provided them to athletes he was coaching and
9 also referred athletes he was coaching to Source A to obtain illegal performance-enhancing drugs
10 directly from Source A.

11 All in violation of Title 18, United States Code, Section 1001(a)(2).

12 COUNT TWO: (18 U.S.C. § 1001(a)(2) – False Statement to a Government Agency)

13 12. The factual allegations contained in paragraphs 1 through 9 above are
14 incorporated herein as if set forth in full.

15 13. On or about June 8, 2004, in the Northern District of California, the Eastern
16 District of North Carolina, and elsewhere, in a matter concerning the criminal investigation in the
17 Northern District of California, the defendant,

18 TREVOR GRAHAM,

19 in a matter within the jurisdiction of the executive branch of the government of the United States,
20 did knowingly and willfully make a false, fraudulent, and fictitious material statement and
21 representation to IRS-CID special agents while in the course of their duties for IRS-CID by
22 stating in sum and substance during the interview that he had never met Source A in person,
23 when in fact, as he knew, he had met Source A in person prior to the interview.

24 All in violation of Title 18, United States Code, Section 1001(a)(2).

25 COUNT THREE: (18 U.S.C. § 1001(a)(2) – False Statement to a Government Agency)

26 14. The factual allegations contained in paragraphs 1 through 9 above are
27 incorporated herein as if set forth in full.

1 15. On or about June 8, 2004, in the Northern District of California, the Eastern
2 District of North Carolina, and elsewhere, in a matter concerning the criminal investigation in
3 the Northern District of California, the defendant,

4 TREVOR GRAHAM,

5 in a matter within the jurisdiction of the executive branch of the government of the United
6 States, did knowingly and willfully make a false, fraudulent, and fictitious material statement
7 and representation to IRS-CID special agents while in the course of their duties for IRS-CID by
8 stating in sum and substance during the interview that he last contacted Source A via a phone
9 call in approximately 1997, when in fact, as he knew, he had numerous contacts with Source A
10 between 1997 and the interview.

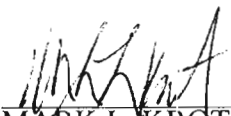
11 All in violation of Title 18, United States Code, Section 1001(a)(2).

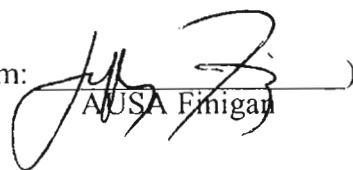
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13 DATED: _____

A TRUE BILL.

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FOREPERSON

17 KEVIN V. RYAN
18 United States Attorney

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21 MARK L. KROTOSKI
Chief, Criminal Division

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23 (Approved as to form: )

24 AUSA Finigan
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